## IN THE UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

BRANCH BANKING & TRUST CO.

Successor in Interest to Colonial Bank,
by Acquisition of Assets from the FDIC
as Receiver for Colonial Bank,

Plaintiff,

V.

Civil Action No. 3:10-CV-2238-L

WILLIAM K. WELLS,

Defendant.

## **ORDER**

Before the court is Plaintiff's Motion for Final Summary Judgment ("Motion"), filed December 3, 2012. This action is set for trial on March 4, 2013; the dispositive motion deadline was July 16, 2012; and the court, when it issued its Fourth Amended Scheduling Order did not extend the dispositive motion deadline, as no such request was made to the court. Therefore, this motion is not timely filed, nor was leave sought to file it. The court **directs** Plaintiff to explain in writing to the court why the motion was not timely filed and why good cause exists for the court to grant leave to file a late summary judgment motion. Plaintiff shall provide this explanation to the court by **January 24, 2013**. Defendant may respond to Plaintiff's explanation by **January 31, 2013**.

It is so ordered this 17th day of January, 2013.

Sam A. Lindsay

United States District Judge